

THE KAY COMPANY, LLC; et al v EQT PRODUCTION COMPANY; et al  
Deposition: J. CHRISTOPHER THOMAS October 28, 2015

Sheet 1 Page 1

IN THE IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT CLARKSBURG  
THE KAY COMPANY, LLC,  
H. DOTSON CATHER, Trustee of  
Diana Goff Cather Trusts, et al.,  
Plaintiffs,  
v. Case No. 1:13-CV-151  
EQT PRODUCTION COMPANY,  
a Pennsylvania corporation; et al.,  
Defendants.  
and  
PATRICK D. LEGGETT;  
KATHERINE F. LEGGETT, et al.,  
Plaintiffs,  
v. Case No. 1:13-CV-0004 FPS  
EQT PRODUCTION COMPANY,  
a Pennsylvania corporation,  
Defendants.

The deposition of J. CHRISTOPHER THOMAS  
was taken pursuant to the West Virginia Rules of Civil  
Procedure in the above-entitled action, on the 28th day of  
October, 2015, commencing at 2:12 p.m. and concluding at  
2:48 p.m., at the law offices of Hendrickson & Long, 214  
Capitol Street, Charleston, Kanawha County, West Virginia,  
before Shelia Miller, Certified Court Reporter, duly  
certified by the West Virginia Supreme Court of Appeals,  
and Notary Public in and for the State of West Virginia.

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I N D E X		
1		
2 Witness:	Examination	Reexamination
3 J. Christopher Thomas	4 (West)	24 (West)
4	20 (Masters)	25 (Masters)
5 Deposition Exhibits:		Marked
6 No. 1, Settlement Statement		11
7 Signature Page/Errata Sheet		28 - 29
8 Reporter's Certificate		30 - 31

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APPEARANCES:

ON BEHALF OF PLAINTIFFS:  
MARVIN W. MASTERS, Esquire  
Masters Law Firm  
181 Summers Street  
Charleston, West Virginia 25301  
MICHAEL W. CAREY, Esquire  
ROBERT DOUGLAS, Esquire  
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ON BEHALF OF DEFENDANTS:  
KEVIN WEST, Esquire  
Steptoe & Johnson  
41 South High Street, Suite 2200  
Columbus, Ohio 43215  
CARL L. FLETCHER, Esquire  
Hendrickson & Long  
Post Office Box 11070  
Charleston, West Virginia 25339

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1 (Witness sworn.)  
2 THEREUPON,  
3 J. CHRISTOPHER THOMAS,  
4 after having been first administered an oath or  
5 affirmation on the record by the Deposition Officer,  
6 testified as follows:  
7 EXAMINATION  
8 BY MR. WEST:  
9 Q Could you please state your name.  
10 A John Christopher Thomas.  
11 Q Mr. Thomas, where do you reside?  
12 A One Woodchute Lane, Charleston, West  
13 Virginia.  
14 Q Mr. Thomas, my name is Kevin West. Mr.  
15 Fletcher and I represent some defendants in a lawsuit that  
16 was filed on behalf of the Kay Company, LLC, and some  
17 other plaintiffs against defendants who were affiliated  
18 with EQT Corporation. Are you familiar with that lawsuit?  
19 A Yes.  
20 Q I have some questions today just to ask  
21 you about the lawsuit and the allegations in the lawsuit.  
22 I don't expect that we will take very long, but if at any  
23 time you want to take a break or if at any time you want  
24 to speak to any of your counsel, I will be glad to do

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1	that.	1	It is approximately one percent.
2	A Okay.	2	Q I think you said, correct me if I am
3	Q I will try to ask questions in a fashion	3	3 wrong, that you do some work for the company?
4	that they are understandable, but I am not always	4	A Yes.
5	successful in that.	5	Q Could you describe the nature of the
6	So I will just ask you, if I ask a	6	6 work?
7	question and you are not sure what I am asking, if you	7	A Generally manage the affairs of the
8	8 will ask me to restate the question. Is that fair?	8	8 company. I mean, it is managerial.
9	A Sure.	9	Q How much time do you devote to that,
10	Q If I ask you a question and you respond,	10	10 would you say?
11	11 I will assume you know what I was talking about. Is that	11	A Well, it depends. I would say maybe an
12	12 fair?	12	12 average of probably eight hours a week, something like
13	A That sounds fair.	13	13 that.
14	Q Fair game rules?	14	Q Are you paid for your work?
15	A Yeah.	15	A I am.
16	Q Could you tell us, just give us a	16	Q Is it your understanding, I think it is
17	17 thumbnail sketch of your educational and employment	17	17 an allegation in the complaint, that the Kay Company owns
18	18 background?	18	18 the lessor's interest in an oil and gas lease with EQT
19	A I have a four-year college degree from	19	19 Production Company? Is that your understanding?
20	20 Hampton Sidney. I have a career in banking. I guess it	20	A Yeah, I don't know exactly. I don't
21	21 has spanned about 28 years.	21	21 know that EQT was on the original lease, but, yes.
22	Q What was your degree in at Hampton	22	Q They are the current owner of the
23	23 Sidney?	23	23 lessee's rights?
24	A Economics and history.	24	A Right.
Page 6		Page 8	
1	Q Are you currently employed?	1	Q The Kay Company is the owner of the
2	A Actually, I am retired. I represent the	2	2 lessor's rights; is that correct?
3	3 Kay Company as a family obligation.	3	A Yeah, divided interest.
4	Q Do you have an ownership interest in the	4	Q Do you know if the Kay Company has oil
5	5 Kay Company, LLC?	5	5 and gas leases with other producers, producers other than
6	A Very minor.	6	6 EQT?
7	Q Could you explain to us what the Kay	7	A We have one other with Energy
8	8 Company, LLC is and who the owners are?	8	8 Corporation of America.
9	A At this point, it is primarily a land	9	Q Do you know where that lease property is
10	10 holding company that leases land for extraction of mineral	10	10 located?
11	11 resources.	11	A Not exactly. It is in Kanawha County.
12	Q Do you know when it was formed?	12	Q Kanawha County, and I think that the
13	A I think it was 1914, I think.	13	13 lease with EQT is in Kanawha County also, is that correct?
14	Q Are all of the members of the Kay	14	A That is correct.
15	15 Company, are they related?	15	Q The complaint that I mentioned that was
16	A Yeah, in one way or another, yes.	16	16 filed by the Kay Company and some others against EQT
17	Q How long have you had an ownership	17	17 Production Company and some other companies, have you
18	18 interest in the Kay Company?	18	18 reviewed that complaint?
19	A My father passed away in 99, and it was	19	A I don't know that -- I have seen it.
20	20 divided between his four children approximately at that	20	Q What is your understanding of the claims
21	21 time, so that would be about when it started for me.	21	21 that are being raised in that complaint, just as a lay
22	Q You said you have a small interest. Do	22	22 person?
23	23 you have an estimate of what your interest is in the	23	A My understanding from having read the
24	24 company?	24	24 lease some time ago is that our lease does not allow for

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1 post production costs to be taken from the royalty  
2 interest, and that is, in fact, what has been going on.

3 Q Are there other claims that you are  
4 aware of?

5 A Well, I mean, not that I am particularly  
6 aware of. I mean, there may be some other inaccuracies in  
7 the reporting that I haven't discovered or been made aware  
8 of.

9 Q In the case, there is a request that the  
10 Kay Company, as well as two other plaintiffs, be named as  
11 class representatives on behalf of a class of West  
12 Virginia lessors. Do you have an understanding as to what  
13 a class action is?

14 A Yes.

15 Q What is that understanding?

16 A It is a lawsuit that is brought by a  
17 group of plaintiffs that if they prevail, it applies to  
18 all the class.

19 Q Have you, as someone that has been asked  
20 to be named as a class representative, have you personally  
21 on behalf of the Kay Company made any effort to determine  
22 the identity or number of the other members of that  
23 potential class?

24 A I have not. I may have seen that in the

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1 Q Do you recall who you would have dealt  
2 with then?  
3 A Gosh, without looking back at it, I  
4 couldn't name anyone.

5 Q Do you recall during those dealings  
6 whether there were any discussions about royalty  
7 calculation?

8 A No.

9 Q I think that you have already alluded to  
10 the fact that the Kay Company was involved in prior  
11 litigation with EQT or its predecessor?

12 A Right.

13 MR. WEST: I am going to ask you to take a look  
14 at the document that we are going to have marked as  
15 Exhibit 1 to your deposition.

16 (WHEREUPON, a document was  
17 marked for purposes of identification  
18 as Deposition Exhibit No. 1, a copy  
19 of which is attached hereto and made  
20 a part hereof.)

21 BY MR. WEST:

22 Q I will ask, first of all, Mr. Thomas, if  
23 you could turn to the second page of that document that I  
24 have handed you. There is a signature that purports to be

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1 first lawsuit that settled.

2 Q In that lawsuit, and I believe the Kay  
3 Company was a plaintiff in another lawsuit that was filed  
4 against a predecessor of EQT Production Company, Equitable  
5 Production Company, are you aware of that lawsuit?

6 A Yes.

7 Q In that particular lawsuit, did you make  
8 any effort to determine the identity or number of lessors  
9 who were part of that class?

10 A Our attorneys took care of that. I was  
11 not charged with trying to do that.

12 Q As someone who acts on behalf of the Kay  
13 Company, have you had any dealings, other than through  
14 your counsel, with anyone from EQT Production or any EQT  
15 affiliated company?

16 A Well, I am not sure I know what all the  
17 affiliated companies are, but at some point, when Gaddy  
18 Engineering was the representative for the Kay Ford James  
19 Group, I think we tried to negotiate a pooling agreement  
20 at one point. I don't think it was ever consummated.

21 Q Do you know approximately when that  
22 would have been?

23 A I really don't. It has been at least  
24 ten years ago, probably longer.

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1 your signature there. Is that your signature?

2 A It is.

3 Q Do you recall executing this document?  
4 A I know I did.  
5 Q Then attached to the back, and I don't  
6 know, it may have originally been a cover letter, it  
7 appears to me maybe it was a cover letter, is that a  
8 letter that you appear to have signed on behalf of the Kay  
9 Company in transmitting this settlement document?

10 A Yes.

11 Q Do you recall, did you read this  
12 document before you signed it on behalf of the Kay  
13 Company?

14 A I am sure I did. It looks familiar to  
15 me. I am sure I read it.

16 Q Do you know how many leases that the Kay  
17 Company has with EQT?  
18 A Do I know how many? This is the only  
19 lease I am aware of.

20 Q That leased property, is it your  
21 understanding that it is located in Kanawha County also?

22 A Yes.

23 Q I said also because I think you said  
24 another lease with Energy Corporation of America, and it

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1 was in Kanawha County. Do you know who from the Kay  
2 Company would have been involved in negotiating that lease  
3 on behalf of the Kay Company?

4 A I am not sure what the date is on that  
5 lease, but that is a long way. There is probably  
6 something in our minutes that would indicate who was on  
7 the board at that time and who was president at that time,  
8 but I don't have any recollection of who actually it would  
9 have been.

10 Q The lease in EQT records seems to  
11 indicate it was executed in 1956.

12 A Okay.

13 Q Was it your understanding that the  
14 nature of the Kay Company's operations in 1956 were  
15 similar to what they are now; that is to say, they were a  
16 land holding company that entered into agreements?

17 A Primarily. They also owned a wholesale  
18 grocery at that time, a wholesale operation.

19 Q Was that here in Charleston?

20 A Yeah.

21 Q I may have asked you this already, and  
22 if I did, I apologize. Do you know when the Kay Company  
23 was formed?

24 A I think it was around 1914.

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1 A It is a bunch of individuals. I have a  
2 list that is probably inaccurate now, but I had a list of  
3 the owners.

4 Q You say it is probably inaccurate now.  
5 Why would that be?

6 A Because everybody keeps dying and  
7 passing it on to their heirs.

8 Q Whenever you filed this lawsuit, the one  
9 we are talking about here today, the current lawsuit, did  
10 you have any discussions with any of the owners of that  
11 interest on about whether or not they wanted to be a part  
12 of the lawsuit?

13 A You mean other than the Kay Company?

14 Q Yes, sir.

15 A No. I mean, that was up to them  
16 individually. We don't have a working relationship with  
17 the other members.

18 Q The Kay Company, LLC, do you know  
19 approximately how many current owners there are?

20 A About 35.

21 Q Do you know how many wells are located  
22 on the leased property?

23 A I think there are approximately 30  
24 wells.

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1 Q You did mention that.  
2 A I think, yeah, but I could have that  
3 confused with when Empire was started, which was the  
4 company I worked for, so I wouldn't go to the bank with  
5 that.

6 Q Have you reviewed that lease between the  
7 Kay Company and EQT?

8 A I have read it. I have read it, and I  
9 am familiar with some parts more than others, but I have  
10 read it.

11 Q Do you know with regard to the oil and  
12 gas rights which are covered by the lease, do you know  
13 with regard to the property that is covered, if there are  
14 any other owners other than the Kay Company?

15 A There are.

16 Q Do you know who they are?

17 A It is the Kay Ford James Group.

18 Q Who are they?

19 A Well, that is a group of individuals  
20 that have an undivided interest in the property that was  
21 formed a long time ago when they began mining the  
22 property.

23 Q Do you know who the owners of that  
24 interest are, of that entity?

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1 Q Are the royalty statements for the wells  
2 that are sent to the Kay Company, do they come to your  
3 attention, or are you the person --

4 A They come to my post office box.

5 Q Do you review those on a monthly basis?

6 A I wouldn't say that I review them. I  
7 remove the check and file the report.

8 Q When you say you file the report, --  
9 A I stick it in a file.

10 Q File folder?

11 A Yeah.

12 Q You say that you have read portions of  
13 the lease between the Kay Company and EQT. Do you recall  
14 whether you have read and reviewed the portion of the  
15 lease addressing royalty calculation?

16 A Yes, I have read that.

17 Q What is your understanding as to what it  
18 says?

19 A My understanding is that --

20 MR. MASTERS: Just so it is clear, the document  
21 says what it is, but I want him to answer. I will let him  
22 answer, but objection. Go ahead.

23 THE WITNESS: It generally states that  
24 -- I mean, the part that was most critical to us was the

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1 fact that the gas is to be measured at the wellhead, which  
2 I think was a significant issue in this prior litigation  
3 and probably what we are entering now.

4 BY MR. WEST:

5 Q Has the Kay Company ever made any effort  
6 to determine the BTU content of the gas that is produced  
7 from the wells that are located on the lease with EQT?

8 A That is way above my pay grade.

9 Q Do you know where the nearest interstate  
10 pipeline is to the leased premises?

11 A I don't know. I know that there's one  
12 that it flows into, but I don't know the proximity to the  
13 wells.

14 Q When we first started, in describing  
15 what you said your understanding of the lawsuit was about,  
16 you said about deductions being taken which shouldn't have  
17 been taken. Have you made an effort to quantify the  
18 amount of deductions which have been taken that you claim  
19 should not have been?

20 A I know that probably the largest part of  
21 it, I don't know if there's any other, you know, damages  
22 involved, but it is stated on the reports itself that post  
23 production expenses are being taken out of the royalty  
24 income and that there is a calculated -- I mean, it shows

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1 A Very rarely -- usually twice a year, but  
2 we have an executive committee that can conduct business  
3 in between meetings.

4 Q Other than the board of the Kay Company  
5 and your legal counsel, have you discussed the allegations  
6 in the complaint with anyone else?

7 A I really haven't, no.

8 Q I asked you if you had calculated the  
9 amount of deductions that you allege were wrongfully  
10 taken.

11 To the extent that the lawsuit alleges  
12 entitlement to other categories of damage for the Kay  
13 Company, is it fair to say you have not calculated that  
14 yet either?

15 A No, I have not.

16 MR. WEST: Give us just a couple minutes.

17 (WHEREUPON, a recess was  
18 taken, after which the following  
19 proceedings were had.)

20 MR. WEST: That is all we have. Thank you for  
21 your time.

22 THE WITNESS: All right, thank you.

23 MR. MASTERS: I've got just a couple of  
24 questions.

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1 a calculation for that.

2 Q So it shows on the statement how much  
3 has been deducted?

4 A Yes.

5 Q Have you made an effort to add all of  
6 those amounts up as far as they pertain to the Kay Company  
7 lease?

8 A I know that what I was looking at the  
9 last time, it is roughly 25 percent or a little more.

10 Q But as far as a total amount?

11 A Oh, no, I don't have a total of that,  
12 no. That is something that I am sure will be done.

13 Q Other than conversations that you have  
14 had with any of your counsel, your legal counsel, have you  
15 had any conversations with anyone else regarding the  
16 allegations that are made in the complaint?

17 A No. I mean, I have just reported to the  
18 board, you know, that we were going back into another  
19 round of this litigation, but nothing specific other than  
20 that.

21 Q Did the board vote on whether or not to  
22 file this lawsuit?

23 A No, no, they leave that up to me.

24 Q How often does the board meet?

Page 20

1 EXAMINATION

2 BY MR. MASTERS:

3 Q First, you indicated there was an  
4 executive committee?

5 A Right.

6 Q The executive committee was aware and  
7 made a decision to go forward with this lawsuit?

8 A Oh, yes. I mean, they are familiar with  
9 it from the first time around, and, I mean, it was  
10 explained to them that we are going through basically the  
11 same process, just with a different --

12 Q The board, when they were advised of it,  
13 agreed with that?

14 A Yes.

15 Q You are familiar with the language, I  
16 think you indicated, in the lease that deals with how much  
17 the Kay Company is to be paid from the sale of the gas?

18 A Right.

19 Q You are aware it says one-eighth of the  
20 current wholesale market value?

21 A Correct.

22 Q Where do you understand that that price  
23 is set?

24 A Where the price is set?

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1 Q In other words, what price does that  
2 mean? Where is the price determined for the wholesale  
3 market value, to your understanding?

4 A Volume is determined at the wellhead,  
5 and the price is determined -- I think there's language in  
6 there that talks about there's indexes that --

7 Q Just tell us what your understanding is.

8 A My understanding is when it goes into  
9 the pipeline, there is an index price that is set on a  
10 routine basis, and that is what they are paid for it.

11 Q Is that at the interstate pipeline that  
12 you were asked about?

13 A Yes, that is my understanding.

14 Q Now, when you were asked to look at the  
15 -- I am not sure you were, but let me show you what was  
16 previously an exhibit, I think in Mr. Bergonzi's  
17 deposition. These are documents that you provided to your  
18 counsel, correct?

19 A Yes, sir.

20 Q Just going across here, you know what  
21 the production date and the well numbers are here,  
22 correct?

23 A Yes.

24 Q Then it has got production type,

Page 23

1 A Well, the gross revenue would be derived  
2 from the gross volume at the price indicated over there,  
3 and then the owner's portion is determined by their  
4 percentage interest.

5 Q Then it shows no taxes taken from  
6 deducted, correct?

7 A Right.

8 Q Then it has got gross deducts and owner  
9 deducts, and what is your understanding of what that  
10 meant?

11 A My understanding is that those were the  
12 post production expenses that were taken out.

13 Q Then it has got well net revenue and  
14 owner net revenue, and what is your understanding of what  
15 that means?

16 A That is what you got the check for.

17 Q Were you aware prior to your counsel's  
18 advice to you, based on discovery, that documents  
19 indicated that EQT Energy bought the gas from EQT  
20 Production Company?

21 A No, I didn't know there was --

22 MR. WEST: Objection.

23 THE WITNESS: I thought there was just one  
24 entity.

Page 22

1 correct?

2 A Yes.

3 Q And it is gas, and then it has got net  
4 price, correct?

5 A Correct.

6 Q What is your understanding, when it says  
7 net price, what is your understanding what that net price  
8 is supposed to mean?

9 A That is supposed to mean the price where  
10 it goes to the pipeline.

11 Q Then it has got the decimal interest,  
12 correct?

13 A Yes, that is our interest.

14 Q That would be Kay Company's decimal  
15 interest, right?

16 A That's right.

17 Q Then it has got gross volume, and what  
18 is your understanding of what that gross volume is  
19 supposed to mean in your mind?

20 A The volume at the wellhead. That is  
21 where it is supposed to be measured.

22 Q Then it has got gross revenue, and your  
23 understanding of the gross revenue and owner revenue, can  
24 you tell us what you understand that to mean?

Page 24

1 BY MR. MASTERS:

2 Q Did you understand that the price that  
3 EQT Production received from Energy was not the price at  
4 the point of sale at the interstate pipeline?

5 A No, I thought it was the price.

6 Q Were you aware that the gross volume was  
7 not the volume at the wellhead but the volume that was  
8 finally delivered to the interstate pipeline?

9 A No.

10 Q Now, I think you were shown a settlement  
11 document. You showed him this, right?

12 MR. WEST: Yes.

13 BY MR. MASTERS:

14 Q I wanted to make sure it is clear that  
15 the Kay Company in the settlement shows the base option.  
16 Is that correct?

17 A That is correct.

18 Q That option, did you understand that  
19 option to mean that you chose not to have your lease  
20 modified?

21 A That is correct.

22 MR. MASTERS: That is all the questions I have.

23 REEXAMINATION

24 BY MR. WEST:

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1 Q I just have a couple more questions. I  
2 am not going to go into any great detail, but you said the  
3 Kay Company has an oil and gas lease with Energy  
4 Corporation of America also?

5 A Right.

6 Q Have you reviewed that lease?  
7 A You know, I have not. I have not  
8 reviewed that lease. I am planning on doing it.

9 MR. WEST: All right.

10 MR. MASTERS: You can re-depose him on it if  
11 you want to. You need to tell him why you didn't review  
12 it.

13 BY MR. WEST:

14 Q So I guess you don't know whether the  
15 royalty provision of that lease is different than the one  
16 --

17 A Actually, I am trying to locate that  
18 lease now, because I want to make sure that it is being --  
19 you know, that we are receiving what we should be on that  
20 particular lease.

21 MR. WEST: Okay, that is all I have.

22 REEXAMINATION

23 BY MR. MASTERS:

24 Q There's one other thing. In this

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1 ERRATA SHEET INSTRUCTIONS  
2 1. DO NOT MARK IN THE TRANSCRIPT. USE THE  
3 ATTACHED PAGE MARKED ERRATA SHEET TO NOTE ANY CHANGES IN  
4 YOUR DEPOSITION.

5 2. PLEASE DO NOT CORRECT ANYTHING BUT YOUR  
6 ANSWERS. DO NOT CORRECT QUESTIONS OR ATTORNEYS'  
7 STATEMENTS.

8 3. PLEASE RETURN TO THE COURT REPORTER THE  
9 ATTACHED SIGNATURE PAGE (NOTARIZED) AND ERRATA SHEET  
10 WITHIN 30 DAYS FROM RECEIPT OF THE TRANSCRIPT.

11 4. YOUR DEPOSITION HAS BEEN PROOFREAD BY AN OPEN  
12 MIKE RECORDING.

13 SEND TO: SHELIA MILLER

14 CERTIFIED COURT REPORTER

15 13 CHARLO ACRES

16 HURRICANE, WV 25526

17 CASE: Kay Company v. EQT, et al.

18 Deposition of: J. Christopher Thomas

19 DATE TRANSCRIPT MAILED OR DELIVERED: \_\_\_\_\_

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1 lawsuit, just so the record is clear, you asked your  
2 lawyers to investigate, do sort of like an audit to see  
3 and make sure that the Kay Company is getting the royalty  
4 that they are entitled to in this case regardless of what  
5 area they were looking at, correct?

6 A That is correct.

7 MR. MASTERS: Okay.

8 MR. WEST: That is all we have.

9 (Witness stands aside.)

10 (WHEREUPON, the deposition  
11 was concluded at 2:48 p.m.)

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1 I have read the foregoing transcript,  
2 pages 4 through 26, inclusive, which contains a correct  
3 transcript of answers made by me to the questions therein  
4 recorded, or as amended in the attached list of  
5 corrections.

6 \_\_\_\_\_  
7 Date J. Christopher Thomas  
8 STATE OF \_\_\_\_\_,  
9 COUNTY OF \_\_\_\_\_, to wit:

10 Taken, subscribed and sworn to before me  
11 this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
12 My commission expires

13 \_\_\_\_\_.  
14 \_\_\_\_\_  
15 Notary Public

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Sheet 8 Page 29

1 ERRATA SHEET

2 The following changes and/or corrections  
3 are suggested for the deposition of J. CHRISTOPHER THOMAS,  
4 taken on October 28, 2015, by Shelia Miller, CCR.

5 Page No. Line No. Reference Correction

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I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties, or a relative or employee of the attorney, or a relative or employee or attorney of one who has a financial interest in the outcome of the case, nor has a contractual relationship with a party litigant to provide reporting services, or who otherwise is financially interested in the action.

Given under my hand this \_\_\_\_\_ day of October, 2015.

My commission expires December 22, 2021.

Seal

Certified Court Reporter

Notary in and for

State of West Virginia

Page 30

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA  
STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to wit:

I, Shelia Miller, Certified Court Reporter, duly certified by the West Virginia Supreme Court of Appeals, and Notary Public in and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing deposition of J. CHRISTOPHER THOMAS was duly taken by me and before me at the time and place and for the purpose specified in the caption hereof.

I further certify that the said deponent was first duly sworn and placed under oath by me on the record; that the said deposition was written out in full and transcribed into the English language under my supervision; and that this deposition is a true record of the testimony given by the deponent.

I further certify that the deponent requested to read and sign the deposition testimony and an errata sheet and signature page are hereby included in this deposition transcript.

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